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February 19, 2021

Via ECF

Hon. Valerie Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Conti v. Doe, No. 17-CV-9268 (VEC)

Your Honor:

This firm represents John Doe. We write pursuant to the Court's Individual Rule 5.A and Paragraph 13 of the Confidentiality Order in this matter to respectfully request permission to file Doe's Memorandum of Law, 56.1 Statements, and attorney Declaration with limited redactions, and to file under seal certain exhibits that Doe is submitting in further support of his motion for summary judgment and in opposition to Plaintiff's motion for summary judgment. Plaintiff does not object to Defendant's requests.

Specifically, Doe seeks to file under seal Exhibits UU, WW, YY, ZZ, BBB, and EEE,¹ which are comprised of excerpts of transcripts from depositions in this matter, and primarily contain Doe's and his doctors' deposition testimony concerning Doe's mental health. These materials contain intensely personal information about our client.

Doe further seeks to file a redacted version of Exhibit XX, which is a Declaration from one of Doe's friends. Doe seeks to redact the name of the declarant as well as the name of the business at which he worked with Doe, both of which could be used to identify Doe. The parties previously redacted this declarant's name and the name of the business from their prior summary judgment briefing

¹ The exhibits referenced in this letter are attached to the Declaration of Andrew G. Celli, Jr., dated February 19, 2021 ("Celli Decl.").

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Similarly, Doe requests leave to redact his Memorandum of Law, 56.1 Statements, and attorney Declaration to conceal the name of Doe's friend, the name of Doe's business, and a quote from a sealed transcript of the January 29, 2021 Court conference. Doe also proposes to redact Conti's 56.1 Statements to which Doe is responding in the same way that Conti redacted them in his filing.

We seek leave to file these materials and information redacted or under seal because, despite the Court's order allowing Doe to proceed anonymously, media outlets have identified Doe and linked him to this case. Following this breach, there is a serious risk that any record filed in this case—even if it is anonymized—will be traced back to Doe, and Doe will again be identified in the press and his personal medical information revealed for all to see. As Your Honor may recall, Doe's parents were identified when they came to Court in connection with this case, and a member of the press improperly photographed them inside the courthouse and later identified the family in press accounts.

We therefore respectfully request leave to file Exhibit XX and Doe's Memorandum of Law, 56.1 Statements, and attorney Declaration with the limited redactions detailed above, and to file under seal Exhibits UU, WW, YY, ZZ, BBB, and EEE. If the Court is inclined to deny Doe's request to file these exhibits under seal, we respectfully request an opportunity to propose redactions to these Exhibits before filing them publicly.

Respectfully submitted,

/s/

Andrew G. Celli, Jr.
Katherine Rosenfeld
Samuel Shapiro
Nick Bourland

c. All counsel of record (via ECF)